

Nicomedes Sy Herrera (SBN 275332)
 Laura E. Seidl (SBN 269891)
HERRERA KENNEDY LLP
 1300 Clay Street, Suite 600
 Oakland, California 94612
 Telephone: (510) 422-4700
 Facsimile: (855) 969-2050
 Email: NHerrera@HerreraKennedy.com
 LSeidl@HerreraKennedy.com

Shawn Kennedy (SBN 218472)
 Bret D. Hembd (SBN 272826)
HERRERA KENNEDY LLP
 4590 MacArthur Boulevard, Suite 500
 Newport Beach, California 92660
 Telephone: (949) 791-9700
 Email: SKennedy@HerreraKennedy.com
 BHembd@HerreraKennedy.com

Tejinder Singh (*Pro Hac Vice*)
GOLDSTEIN & RUSSELL, P.C.
 7475 Wisconsin Avenue, Suite 850
 Bethesda, Maryland 20814
 Telephone: (202) 362-0636
 Email: TSingh@GoldsteinRussell.com

Warren T. Burns (*Pro Hac Vice*)
 Christopher J. Cormier (*Pro Hac Vice*)
BURNS CHAREST LLP
 900 Jackson Street, Suite 500
 Dallas, Texas 75202
 Telephone: (469) 904-4550
 Email: WBurns@BurnsCharest.com
 CCormier@BurnsCharest.com

Attorneys for Plaintiff-Relator Zachary Silbersher

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA; STATES OF
 CALIFORNIA, COLORADO, CONNECTICUT,
 DELAWARE, FLORIDA, GEORGIA, HAWAII,
 ILLINOIS, INDIANA, IOWA, LOUISIANA,
 MICHIGAN, MINNESOTA, MONTANA,
 NEVADA, NEW JERSEY, NEW MEXICO, NEW
 YORK, NORTH CAROLINA, OKLAHOMA,
 RHODE ISLAND, TENNESSEE, TEXAS,
 VERMONT, AND WASHINGTON; THE
 COMMONWEALTHS OF MASSACHUSETTS
 AND VIRGINIA; AND THE DISTRICT OF
 COLUMBIA,

ex rel. ZACHARY SILBERSHER,

Plaintiffs,

v.

ALLERGAN, INC., ALLERGAN USA, INC.,
 ALLERGAN SALES, LLC, FOREST
 LABORATORIES HOLDINGS, LTD., ADAMAS
 PHARMA, AND ADAMAS
 PHARMACEUTICALS, INC.,

Defendants.

Case No.: 3:18-cv-03018-JCS

**JOINT CASE MANAGEMENT
 STATEMENT**

Chief Magistrate Judge Joseph C. Spero

Case Management Conference Date:
 January 21, 2022

Time: 12:00 P.M.

Place: Courtroom G, 15th Floor
 Phillip Burton Federal Building
 450 Golden Gate Avenue
 San Francisco, CA 94102

Action Filed: April 25, 2018

Pursuant to the Court's September 27, 2021 Order, Dkt. 159, Plaintiff-Relator Zachary Silbersher ("Relator"), on behalf of the United States of America and the Plaintiff States; and Defendants Allergan, Inc., Allergan USA, Inc., and Allergan Sales, LLC, and Forest Laboratories Holdings, Ltd. (collectively, "Allergan"); and Adamas Pharma, LLC and Adamas Pharmaceuticals, Inc. (together, "Adamas") ("Allergan" and "Adamas" together, "Defendants") (Defendants with Relator, the "Parties"), jointly file this Case Management Statement.¹

The Parties refer the Court to the Joint Case Management Statement filed on January 8, 2021 (Dkt. 144), May 28, 2021 (Dkt. 155), and September 24, 2021 (Dkt. 158), and provide the following case updates pursuant to the Court's Order dated September 27, 2021 (Dkt. 159).

1. Case Status Update:

On January 28, 2021, this Court certified its December 11, 2020 Order for immediate appeal. *See* Dkt. 147 at 6. On February 8, 2021, Defendants petitioned the United States Court of Appeals for the Ninth Circuit appealing the Court's decision, and on March 9, 2021, the Ninth Circuit Court of Appeals accepted Defendants' petition. March 9, 2021 Order, *Silbersher v. Allergan*, No. 21-15420 (9th Cir.) (Dkt. 149).

On June 11, 2021, Appellants filed their Opening Brief (No. 21-15420, Dkts. 13 & 15). On August 27, 2021, Appellee Silbersher filed its Response Brief. (No. 21-15420, Dkt. 31.) Appellants' filed their Reply Brief on October 20, 2021. (No. 21-15420, Dkt. 52.) Oral argument took place on January 10, 2022. (No. 21-15420, Dkt. 64.)

This case is currently stayed pending the Ninth Circuit's resolution of Defendants' appeal. *See* Dkt. 147 at 6. The Parties agree to provide the Court with an updated proposed schedule, if necessary, following a decision by the Ninth Circuit of Defendants' appeal.

¹ Allergan plc was originally named as a defendant but was dismissed pursuant to the stipulation of the Parties and Court order. *See* Dkt. 93.

1 Dated: January 12, 2022

HERRERA KENNEDY LLP

2 By: /s/ Nicomedes Sy Herrera
3 Nicomedes Sy Herrera

4 Nicomedes Sy Herrera (State Bar No. 275332)
5 Laura E. Seidl (State Bar No. 269891)
6 **HERRERA KENNEDY LLP**
7 1300 Clay Street, Suite 600
8 Oakland, California 94612
9 Telephone: (510) 422-4700
10 Email: NHerrera@HerreraKennedy.com
11 LSeidl@HerreraKennedy.com

12 Shawn Kennedy (State Bar No. 218472)
13 Bret D. Hembd (State Bar No. 272826)
14 **HERRERA KENNEDY LLP**
15 4590 MacArthur Boulevard, Suite 500
16 Newport Beach, California 92660
17 Email: SKennedy@HerreraKennedy.com
18 BHembd@HerreraKennedy.com

19 Tejinder Singh (*Pro Hac Vice*)
20 **GOLDSTEIN & RUSSELL, P.C.**
21 7475 Wisconsin Avenue, Suite 850
22 Bethesda, Maryland 20814
23 Telephone: (202) 362-0636
24 Email: TSingh@GoldsteinRussell.com

25 Warren T. Burns (*Pro Hac Vice*)
26 **BURNS CHAREST LLP**
27 900 Jackson Street, Suite 500
28 Dallas, Texas 75202
Telephone: (469) 904-4550
Email: WBurns@BurnsCharest.com

Christopher J. Cormier (*Pro Hac Vice*)
BURNS CHAREST LLP
4725 Wisconsin Ave NW, Suite 200
Washington, D.C. 20016
Telephone: (202) 577-3977
Email: CCormier@BurnsCharest.com

Attorneys for Plaintiff-Relator Zachary Silbersher

1 Dated: January 12, 2022

KIRKLAND & ELLIS

2 By: /s/ M. Sean Royall
3 M. Sean Royall

4 M. Sean Royall (*pro hac vice*)
5 Olivia Adendorff (*pro hac vice*)
6 **KIRKLAND & ELLIS**
7 1601 Elm Street
8 Dallas, TX 75201-6912
9 Telephone: 214.972.1770
10 Facsimile: 214.571.2900
11 Email: sean.royall@kirkland.com
12 Olivia.adendorff@kirkland.com

GIBSON, DUNN & CRUTCHER LLP

13 By: /s/ J.W. Partridge
14 John D.W. Partridge

15 John D. W. Partridge (State Bar No. 255570)
16 **GIBSON, DUNN & CRUTCHER LLP**
17 1801 California St.
18 Suite 4200
19 Denver, CO 80202-2642
20 Telephone: 303.298.5700
21 Facsimile: 303.298.5907
22 Email: jpartridge@gibsondunn.com

23 Emma M. Strong (State Bar No. 313496)
24 **GIBSON, DUNN & CRUTCHER LLP**
25 1881 Page Mill Road
26 Palo Alto, CA 94304-1211
27 Telephone: 650.849.5338
28 Facsimile: 650.849.5038
Email: estrong@gibsondunn.com

Attorneys for Allergan Defendants

DLA PIPER LLP (US)

By: /s/ Andrew J. Hoffman
Andrew J. Hoffman II

Andrew J. Hoffman II (Bar No. 259507)
andrew.hoffman@dlapiper.com
Colleen M. McElroy (Bar No. 307490)
colleen.mcelroy@dlapiper.com
DLA PIPER LLP (US)
2000 Avenue of the Stars, Suite 400 North Tower
Los Angeles, CA 90067-4704
Tel: 310.595.3000
Fax: 310.595.3300

Matthew Holian (Bar No. 211728)
matt.holian@dlapiper.com
DLA PIPER LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110-1447
Tel: 617.406.6000
Fax: 617.406.6100

Lisa Tenorio-Kutzkey (Bar No. 205955)
ltk@dlapiper.com
DLA PIPER LLP (US)
555 Mission Street, Suite 2400
San Francisco, CA 94105-2933
Tel: 415.836.2500
Fax: 415.836.2501

Attorneys for Adamas Defendants

ATTESTATION OF FILER

I, Nicomedes Sy Herrera, attest that I have obtained the concurrence of Defendants' counsel as to the substance of this **JOINT CASE MANAGEMENT STATEMENT**. Messrs. Royall, Partridge, and Hoffman have authorized the use of their electronic signatures on this document.

Dated: January 12, 2022

By: /s/ Nicomedes Sy Herrera
Nicomedes Sy Herrera